

REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE September 12, 2007

ANALYST Vicki Hubbard

I COMMITTEE

Yarmuth for Congress

C00419630

Sarah J Martin, Treasurer/Attorney (1/16/07 – Current)

Daniel Owens Borsch, Treasurer (2/7/06 – 1/15/07)

1819 Brownsboro Road

Louisville, KY 40206

II RELEVANT STATUTE

2 U S C §434(a)(6)(B)

11 CFR §§400 9(b) and 400 21(b)

III BACKGROUND

Millionaire Provision Reporting Problems (Failure to Timely File 24-Hour Notice of Expenditure from Candidate's Personal Funds)

Yarmuth for Congress ("the Committee") failed to timely file a 24-Hour Notice of Expenditure from Candidate's Personal Funds (FEC FORM 10) after exceeding the \$350,000 required reporting threshold for House candidates (Attachment 2)

On February 9, 2006, John A Yarmuth ("the Candidate") filed a Statement of Candidacy (FEC FORM 2) with the Commission The "Declaration of Intent to Expend Personal Funds" portion of the form disclosed \$0 00 for the 2006 General Election on line 9(B) (Declaration of Intent to Expend Personal Funds for the General Election) (Image 26038992165)

On July 15, 2006, the Committee filed its 2006 July Quarterly Report covering the reporting period of April 27, 2006 through June 30, 2006 (Image 26940254172) The report disclosed the receipt of two (2) loans from the Candidate totaling \$200,000 00 on line 13(a) (Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page Schedule C (Loans) of this report also disclosed the receipt of two (2) loans from the Candidate totaling \$200,000 00 The Committee received a \$150,000 00 and a \$50,000 00 loan, from the Candidate, both dated June 29, 2006 Both loans were designated for the 2006 General Election (Images 26940254279-80)

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On October 15, 2006, the Committee filed its 2006 October Quarterly Report covering the reporting period of July 1, 2006 through September 30, 2006 (Image 26940437634) The report disclosed the receipt of one (1) loan from the Candidate totaling \$190,000 00 on line 13(a) (Loans Made or Guaranteed by the Candidate) of the Detailed Summary Page Schedule C (Loans) of this report disclosed a loan from the Candidate in the amount of \$190,000 00 dated, September 29, 2006, and designated for the 2006 General Election (Image 26940437886) This loan brought the total expenditures from the Candidate's personal funds for the 2006 General Election to \$390,000 thereby exceeding the reporting threshold of \$350,000 for House candidates (Attachment 2)

On October 18, 2006, the Committee filed a FEC FORM 10 (24-Hour Notice of Expenditure From Candidate's Personal Funds) disclosing one (1) expenditure of \$190,000 00 from the Candidate's personal funds on September 29, 2006 for the 2006 General Election on Line 10(a) (Expenditures of Personal Funds) (Image 26960544512)

On February 1, 2007, a Request for Additional Information (RAI) referencing the FEC FORM 10 (24-Hour Notice of Expenditure From Candidate's Personal Funds) dated October 18, 2006 was sent by the Reports Analysis Division (RAD) to the Committee The RAI noted that the FEC FORM 10 (24-Hour Notice of Expenditure From Candidate's Personal Funds), received on October 18, 2006, appeared to have been filed outside of required time frame (Image 27039371770)

On March 5, 2007, the Committee fixed a response regarding, among other issues, the late filing of the October 18, 2006, FEC FORM 10 (24-Hour Notice of Expenditure From Candidate's Personal Funds) The response stated in part

" the campaign misunderstood the filing notification requirements in the newly enacted Millionaires Amendment and thereby untimely filed its FEC Form 10 regarding loans candidate John Yarmuth made to the campaign

Mr Yarmuth made a series of loans to his campaign during the primary and general election cycles in 2006 His September 29, 2006 loan triggered the notification requirements set forth in 11 CFR § 400.21 (b) The campaign mistakenly believed the FEC Form 10 was to be filed only after triggering the contribution limit as opposed to triggering the threshold amount The campaign realized it had misread the notification requirement and filed its FEC Form 10 on October 16, 2006 instead of September 30, 2006

The delay in filing the FEC Form 10 did not negatively affect Mr Yarmuth's opposing candidate " (Image 27039402407-08)

On April 30, 2007, a RAD analyst attempted to call the Committee The Treasurer was unavailable, so a message was left asking that the Committee contact the FEC as soon as possible (Attachment 3)

On May 1, 2007, Sarah Martin returned the Analyst's call. The Analyst informed the Treasurer that the Committee would be referred to the Office of General Counsel (OGC) for the late filing of the FEC Form 10 (Attachment 3).

To date, no further communication has been received from the Committee regarding this matter.

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FORM	TYPE	RPT	AI	PGI	REC	DATE	PGS	DEB	IMAGE	COVERAGE DATES		DEB	CASH	RECEIPTS	DISBURSE	END	CASH	DEBTS	BY
1				N		2/08/2006	5	28038892	167										
1				A		4/11/2006	4	28840063	065										
1				A		7/16/2006	4	28830241	386										
1				A		12/28/2006	6	28830768	877										
NS				4		5/02/2006	2	28860100	288										
NS				4		5/06/2006	2	28860067	423										
NS				4		5/08/2006	2	28860105	786										
NS				4		5/11/2006	2	28860107	854										
NS				4		5/13/2006	2	28830136	888										
NS				X		10/18/2006	1	28860644	512										
NS				4		10/21/2006	3	28860665	008										
NS				4		10/23/2006	3	28830665	509										
NS				4		10/25/2006	4	28840536	871										
NS				4		10/27/2006	2	28860731	128										
NS				X		10/28/2006	1	28840667	322										
NS				4		10/29/2006	3	28830556	379										
NS				4		10/31/2006	3	28860734	356										
NS				4		11/02/2006	3	28860746	613										
NS				X		11/02/2006	1	28840676	884										
NS				4		11/04/2006	2	28860747	882										
RQ		Q1		2		6/30/2006	2	28038104	020	1/01/2006	3/31/2006								
RQ		12P		2		6/30/2006	3	28038104	022	4/01/2006	4/28/2006								
RQ		Q2		2		9/29/2006	4	28038192	480	4/27/2006	6/30/2006								
RQ		Q3		2		2/01/2007	3	27038371	636	7/01/2006	9/30/2006								
RQ		12S		2		2/01/2007	3	27038371	633	10/01/2006	10/16/2006								
RQ		306		2		2/01/2007	4	27038371	773	10/18/2006	11/27/2006								
3		Q1		N	P	4/14/2006	80	28860043	483	1/01/2006	3/31/2006	0	331388	38812	281783	133127			

YARMUTH, JOHN A

ID #H6KY03124

YARMUTH FOR CONGRESS
Stanley Aaron Yarmuth
FILING FREQUENCY QUARTERLY

1818 Brownsboro Road

Louisville

HOUSE
KY 40206

ID #C00418630

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FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	REG IMAGE	COVERAGE DATES	REG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q1	A	P	7/31/2006	82	28950383890	1/01/2006 3/31/2006	0	331388	38812	291753	133127
3	Q1	A	P	10/30/2006	77	28950733358	1/01/2006 3/31/2006	0	331388	38812	291753	133127
3	Q1	A	P	3/06/2007	78	27930217674	1/01/2006 3/31/2006	0	331516	38812	291903	133127
3	12P	N	P	6/04/2006	79	28950101307	4/01/2006 4/28/2006	291753	111320	91958	311115	133127
3	12P	A	P	7/31/2006	80	28950280713	4/01/2006 4/28/2006	291753	111220	91958	311016	133127
3	12P	A	P	10/30/2006	82	28940588570	4/01/2006 4/28/2006	291753	111220	91957	311016	133127
3	12P	A	P	3/06/2007	82	27930217833	4/01/2006 4/28/2006	291903	111220	91957	311108	133127
3	Q2	N	P	7/18/2006	109	28940254172	4/27/2006 6/30/2006	311115	412385	305582	417829	333127
3	Q2	A	P	10/30/2006	112	28940588552	4/27/2006 6/30/2006	311016	412385	305582	417829	333127
3	Q2	A	P	3/06/2007	113	27930217915	4/27/2006 6/30/2006	311105	412385	305582	417979	333127
3	Q3	N	G	10/18/2006	255	28940437834	7/01/2006 9/30/2006	417829	876284	557989	538243	623127
3	Q3	A	G	10/30/2006	255	28940570001	7/01/2006 9/30/2006	417829	876284	557989	538144	623127
3	Q3	A	G	3/06/2007	256	27930218028	7/01/2006 9/30/2006	417979	876284	557989	538294	623127
3	12S	N	G	10/28/2006	87	28950725371	10/01/2006 10/18/2006	536243	151013	517727	188529	523127
3	12S	A	G	10/30/2006	87	28950733484	10/01/2006 10/18/2006	536144	151013	517727	188430	523127
3	12S	A	G	3/06/2007	87	27930218672	10/01/2006 10/18/2006	536294	151013	517727	188580	523127
3	30G	N	G	12/07/2006	174	28940817886	10/18/2006 11/27/2006	188430	528520	682437	13513	708127
3	30G	A	G	3/06/2007	174	27930218789	10/19/2006 11/27/2006	188580	528520	682437	13883	708127
3	YE	N	G	1/31/2007	31	27980041459	11/26/2006 12/31/2006	13513	41350	28884	25898	708127
3	YE	A	G	3/06/2007	31	27930218843	11/26/2006 12/31/2006	13883	41350	28884	26048	708127
TOTAL									2250286	2224248		

FEDERAL ELECTION COMMISSION

DATE 8/12/2007
OGC INDEX - (0) (2007-2008)

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YARRUTH, JOHN A HR

ID #H8KY03124

YARRUTH FOR CONGRESS

Sarah J Martin

FILING FREQUENCY QUARTERLY

1818 Brownsboro Road

Louisville

HOUSE

KY 40208

ID #C00418630

FORM TYPE	RPT TYPE	AI	PRI	REC DATE	PSS	REG IMAGE	COVERAGE DATES	REG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1		A		1/18/2007	8	27830044283						
RS		T		3/06/2007	7	27038402403						
RS		T		6/25/2007	1	27880070196						
RS		T		6/25/2007	1	27880070196						
RS		T		6/25/2007	1	27880070197						
RS		T		7/30/2007	2	27038481072						
RS		4		2/01/2007	3	27038371770	2/01/2007					
3	Q1	N	P	4/18/2007	90	27830807851	1/01/2007 3/31/2007	28049	303883	37248	292884	708127
3	Q2	N	P	7/18/2007	106	27830838179	4/01/2007 6/30/2007	292884	248845	85380	455879	130000
TOTAL									582538	122808		

Attachment 1

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Yarmuth for Congress (C00419630)**Candidate Expenditures (Personal Funds) for 2006 Kentucky General Election**

Amount	Source	Period	Date	Amount	Yes/No	Date	Page
\$150,000 00	Loan	Q2 2006	6/29/2006	\$150,000 00	N/A	N/A	N/A
\$50,000 00	Loan	Q2 2006	6/29/2006	\$200,000 00	N/A	N/A	N/A
\$190,000 00	Loan	Q3 2006	9/29/2006	\$390,000 00	Yes	10/18/2006	19